

GOES TO A HIGHER COURT

First Conviction Under the Curfew Ordinance to Be Taken Up.

POLICE JUDGE DOUBTS ITS LEGALITY

Attorney for the Crane Boy to Sue Out a Writ of Habeas Corpus—Mother Unable to Pay the Fine.

The constitutionality of the curfew ordinance is soon to be tested in the district court. The case of Ross Crane, constituting the first prosecution under the provisions of the ordinance, has been appealed.

Crane, a 9-year-old boy, was found on the streets near his home at 10 o'clock several nights ago, and was arrested. Saturday he was fined \$5 and costs, but Judge Gordon did not know just what to do about imposing the sentence.

Yesterday the boy appeared in police court with his mother, who stated that she was not able to pay the fine. Thereupon Judge Gordon said that although he did not believe the ordinance was constitutional, yet he did not think he had the right to declare it unconstitutional, and would therefore be compelled to commit the boy until the fine was paid.

Judge Gordon hinted that he would be lenient if the case was tested in habeas corpus proceedings or otherwise. Thereupon Attorney W. J. Clair, who was present, volunteered to look after the boy's interests in the district court if the case was appealed.

This was satisfactory to the court, and the lad was released on a \$100 bond, which was signed by the mother and the attorney.

The case will be brought up in the district court as soon as possible. City Prosecutor TenEyck will have it called up as soon as the transcript reaches the higher court. Attorney Clair will raise the point of constitutionality at once.

In speaking about the case, Judge Gordon stated that he was sorely tempted to declare the law unconstitutional in his decision, but did not believe that it was within his power to do so. The statute, he said, did not apply to him to fine boys of the age of Crane, the ordinance being thus in direct violation of them. Nevertheless, the ordinance was legally passed and it was his duty to enforce it.

Furthermore, the originators of the ordinance, the councilmen, are placed in a peculiar position," said Judge Gordon. "They passed the ordinance and yet, after the passage they have themselves elected to deny it. He does not believe that it is constitutional. Councilman Kment, who voted for the ordinance both times that it was up before the council, said so."

Judge Gordon said that in speaking to Kment about the case the latter told him that the majority of the councilmen, he himself included, did not believe that the ordinance was constitutional at the time of its introduction and passage never intended that it should be enforced. It was intended that children should be arrested and brought into police court simply to be "scared" into keeping off the streets.

"I told him that it would not be as bad or as big a lie to compel parents to keep their children in by telling them that they would be taken up by boys that infested the streets," said the police judge. "I tell you that if one of my children was arrested for violating the ordinance the little 'scare' would cost the city \$3,000 or \$4,000 for false imprisonment."

HE FROWNS DOWN UPON THE "CAN."

Judge Gordon Declares the Practice of "Rushing the Can" is the Biggest Misdeed in the City Today.

The "rushing of the can" is the biggest misdeed in the city today. There are more complaints about people drinking from a can on the streets and in alleys, than of anything else. The proper thing to do is to go into a saloon and get a drink or to drink at home. The can rushing will have to be stopped."

Called Upon to Explain. Emma Smith and William Royston, two negroes, are being held in jail to explain just what they know of \$15 that once belonged to Hans Stoley, who is visiting at a friend's house at Twenty-fifth street and a fourth street. Last Saturday night Stoley alleges that he was enticed into a house at 214 South Twelfth street by the woman who had robbed him of \$15. The woman disappeared afterward. She was found later in the company of Royston and both were arrested.

The two deny positively that they had anything to do with the theft. They are comparatively unknown to the police, being strangers here. The Smith woman says that she came from St. Louis the week before last. The house where the robbery occurred has a bad reputation, as a quantity of jewelry was stolen from a man there some time ago.

Had No Love for Work. The paradoxical nature of a tramp's makeup was exhibited in police court by a good example yesterday morning. Frank Jenkins, a negro specimen of the craft, explained that he was a vagrant because he could not find work to do. When the police judge kindly gave him work for thirty days he felt he had overcome him. He sobbed and wept, and his wails and lamentations continued for an hour after he had been taken to his cell, his feelings being so badly hurt at the prospect of work.

Jenkins was up for vagrancy several days ago, but as he promised to leave the city he was discharged with a thirty days sentence on the street gang hanging over his head. He was arrested again Sunday, and the police judge yesterday morning imposed the sentence.

Results Tell the Story. A vast mass of direct, unimpeachable testimony proves beyond any possibility of doubt that Hood's Sarsaparilla actually does perfectly and permanently cure diseases caused by impure blood. Its record of cures is well equaled, and these cures have often been accomplished after all other preparations had failed.

Hood's Pills cure all liver ills, biliousness, jaundice, indigestion, sick headache, etc.

Crede and the Grave. The following births and deaths were reported at the health office during the twenty-four hours ending at noon yesterday:

Deaths—Claude Atherton, 8, 1769 Dodge, apoplexy, Holy Sepulcher cemetery; Mrs. John Donovan, 65, 1769 Dodge, apoplexy, Holy Sepulcher; Mary Davis, 22, 1313 Dodge, suicide, Laurel Hill.

It is a well authenticated fact that a sprain may be cured within three or four days by applying Chamberlain's Pain Balm freely. Any one who has been laid up for three or four weeks with a sprained ankle will be likely to remember this. The 25 and 50-cent sizes are for sale by druggists.

There Are Two Classes. Of railroads running between Omaha and Chicago, the MILWAUKEE and "the other." It doesn't cost much more to ride by the best line than "the others." Magnificently equipped, electric lighted, solid vestibuled trains leave the union depot daily. City office, 1502 Farnam street. P. A. NASH, General Agent.

CLOAK DEALERS KICK.

Object to the Weinberg Sale Because of the Ruinous Prices Made. That dealers object to the way prices are being knifed at the closing out sale of Weinberg's suits, capes, etc., in the Y. M. C. A. building is not much to be wondered at. But they have a remedy. The prices named, they say, are lower than the goods can be made for. The State Clothing Co. doesn't want the goods and even dealers are not barred. The whole stock, or any part of it, with the exception of the 29c waist, will be sold at one purchase at these prices. The 29c waist is excepted because the great value is so apparent that only one to a customer is given out, so that they may last any length of time.

PROTEST FROM PROPERTY OWNERS.

Object to Being Assessed for a New Sewer on Capitol Avenue. W. S. Poppleton appeared before the committee on sewerage of the city council yesterday afternoon to protest against the proposed action of the council looking toward the reconstruction of the Capitol avenue sewer. Mr. Poppleton said that as far as the property owners he represented were concerned they understood that the sewer was to be reconstructed in order to accommodate the new government building. He asserted that the present sewer was amply sufficient for the general purpose of the district and contended that if the government wanted sewerage it should be compelled to pay for it. The property owners had paid for the construction of the original sewer and believing that it was still large enough to meet all requirements they would resist any effort to levy a tax for its reconstruction.

Chairman Benawa of the committee said the committee had decided to recommend the construction of a fifteen-foot sewer, which would involve an assessment of \$135 a foot on the property. There were two propositions involved. The sewer was not low enough to answer for the government and it was also too small to even accommodate the present demands. It had been built fourteen years ago, when it had cost very little, and for years past the Board of Public Works had been continually called upon to open it up. At any time the covers to the manholes could be lifted and disclose the water standing way up in the manhole because the pipe was too small to carry it away. Every effort had been made to limit the cost to the property owners and the asphalt company had agreed to restore the pavement at one-half the rates called for in the ordinance. Under those circumstances the committee would recommend the construction of the sewer as proposed.

The Only Way to go to California without delays or annoyances, and in comfort, is via THE UNION PACIFIC.

You don't have to change cars, and you get there several hours ahead of all other lines. For time tables or other information, call on A. C. Dunn, City Passenger and Ticket Agent, 1302 Farnam street.

No Hurry Till You Start. Spend all day in Omaha and leave via "THE NORTHWESTERN LINE" OMAHA-CHICAGO SPECIAL at 6:30 p. m. (dining car).

NO HURRY TILL YOU START. Then there's considerable hurry, for the train arrives at Chicago early next morning. This train is not only fast, but it is also very comfortable and very handy to find that it does it justice. If you must leave earlier, inquire about the 4:45 p. m. Overland Limited. City office, 1504 Farnam St.

Uncle Sam's Mail goes east over the Burlington Route. Pretty fair evidence—if you want evidence—that the Burlington has THE track, The Three Daily Trains to Chicago—9:48 a. m., 5:00 p. m. (the "Vegetable Flyer"), 7:50 p. m. Tickets at 1502 Farnam street.

Chicago, MILWAUKEE & ST. PAUL RY. Train No. 4 leaves at 6:30 p. m. Arrives at Chicago at 9:25 a. m. CITY TICKET OFFICE, 1504 FARNAM STREET.

CASES IN UNITED STATES COURT. Grand Jury Returns in Thirty-Four Indictments. The criminal docket was taken up in the United States court yesterday morning, the initial case being that of the government against John T. Spencer, a suit on a bond. Spencer, who was a United States disbursing agent on the Omaha reservation, is sued for a fall on the Omaha street ferry, New York City, turned over to him by the government for disbursement of the Omaha Indians. His bondsman, O. H. Baker, Dakota City, Neb.; John M. Moan, Sioux City, Ia.; Fred Blum, Emergo, Neb.; Fred Wilkins and Ludwig Kippert, Homer, Neb.; John McConkey, Sioux City, Ia.; and John Dennison, Jackson, Neb., are held jointly responsible and included in the information.

In April, 1890, Spencer was delegated to disburse \$36,144.32 among the Indians. All of this he duly accounted for, and received \$35,442, and it is this, together with the interest from June, 1890, amounting to \$700.37 in all, which the government sues for.

The grand jury returned a batch of thirty-four indictments the bulk of them being for cutting timber on government land, followed closely by liquor offenses, counterfeiting and mailing non-mailable matter. Indictments were returned also against the following offenders, W. L. Pleas and A. V. Burke of Alliance, this state. Pleas is now in jail at Kansas City and Burke is where the authorities can put their hands on him.

Uniformed Attendants for Eastern Passengers via Pennsylvania Lines. Uniformed Attendants on a Pullman train, leaving after the comfort of all arriving and departing passengers over the Pennsylvania System at Jersey City Passenger station, and will accompany them (if desired) between Cortlandt street ferry, New York City, and the American Line Pier, Sixth Avenue Elevated Railroad, and the Central Railroad of New Jersey station; also between Des Moines and New York City, and between the Ninth Avenue Elevated Railroad, which will also meet Pennsylvania Line trains at Philadelphia Broad street Passenger station and assist passengers who may desire their aid; take charge of rolling chairs, when needed; meet carriages and make themselves generally useful to passengers. They will be in attendance from 6 a. m. until 12 midnight, and when accompanying passengers will carry parcels and hand baggage.

NEW TIME CARD. Via the Missouri Pacific Ry. On and after Sunday, May 10, the Missouri Pacific will operate on a Fast Limited Train leaving Webster street depot, arriving at 3:45 p. m., via Plattsmouth, Nebraska City, Atchison, Kansas City, reaching St. Louis the next morning at 7:30, making direct connections to all points south and east in the Grand Union station. No change of cars. Through Pullman service. Night train for Kansas City leaves at 9:30. For further information call at company's offices, N. E. corner Thirteenth and Farnam streets. THOMAS F. GODFREY, P. & T. A. J. O. PHILLIPS, A. G. & P. A.

Monsters. The enormous engines that haul "The Northwestern Line" OMAHA-CHICAGO SPECIAL east at 6:30 every evening (Union Pacific depot) and into Chicago at 9:30 next morning—well worth taking a little time to see them—nothing in this country like them—nearly as high as the Union depot, but not quite as long. City office, 1504 Farnam St.

SUMMER RESORTS. There are many of them on the line of THE UNION PACIFIC, and before arranging for your summer ferry, you should make inquiry as to rates and routes. For full information call at City Ticket Office, 1302 Farnam street.

If You Don't Sleep Well Take a book and read in the electric lighted berths of the Chicago, Milwaukee & St. Paul Ry. City ticket office, 1504 Farnam St.

SUMMER TOURS. Full information at Burlington ticket office, 1502 Farnam street. Drop in next time you are down town.

BETTER EQUIPMENT COMING

Great Improvements Contemplated for the Omaha Weather Bureau Station. INCLUDE SELF-RECORDING INSTRUMENTS

Present Outfit Not Up to the Latest Modern Standard—State Service May Be Moved to This City.

Prof. Willis L. Moore, chief of the weather bureau of the Department of Agriculture, who has been in Omaha since Saturday, here, left yesterday afternoon for Nebraska City, where he will visit a few days with Carl Morton, son of the secretary of agriculture, after which Mr. Moore will proceed to Denver to inspect the weather office there.

Prof. Moore expressed himself as very well pleased with the result of his inspection of the Omaha station and said he had decided to make several improvements in the way of instrumental equipment, and would provide the office with a complete new set of meteorological instruments, such as a furnished to the largest offices in the country. "This equipment," he said, "will include several instruments with which the Omaha office has never been provided and will also include a complete set of self-recording apparatus which will give a continuous record of weather conditions during each twenty-four hours. These instruments will be sent to Omaha about July and will be set up at once."

Prof. Moore also took occasion to compliment Mr. Welsh, the observer in charge of the Omaha office, who is one of the oldest observers in the country, and who is located at the weather bureau. Prof. Moore said Mr. Welsh had done good work in popularizing the work of the bureau and had done much toward keeping the office in touch with the people.

On his way to Denver Prof. Moore will stop at Lincoln and make an examination into the working of the state weather office there. The headquarters of this service was formerly at Crete, being located at Deane college, but was removed to Omaha a few years ago. It remained here but a short time, however, being transferred to Lincoln and located at the State university. Prof. Moore will make an examination with a view of determining whether the state service shall remain at Lincoln or be transferred back to Omaha, where the facilities for receiving reports and distributing information are better.

No excuse for sleepless nights when you can procure One Minute Cough Cure. This will relieve all annoyances, cure the most severe cough and restore you to good health. Can you afford to do without it?

Omaha-Chicago-Special. A Special Train to Chicago. Omaha travel exclusively NORTHWESTERN LINE. 6:30 every night.

CHANGE OF TIME. THE ELECTRIC LIGHTED OMAHA-CHICAGO LIMITED of the Chicago, Milwaukee & St. Paul now leaves the union depot daily at SIX-THIRTY (6:30) p. m., arriving Chicago at 9:25 a. m. City Ticket Office, 1504 Farnam street.

REAL ESTATE EXCHANGE MEETING. Eastern House Owners Asked to Make Some Improvements. There was no particular business in sight when the Real Estate exchange met at the Commercial club rooms yesterday, so the members spent an hour in a sort of conference meeting. The main subject of discussion was the improvement of the rented property in the city. Several members referred to the fact that out of town clients who had recently taken over the city were constantly speaking of the necessity of fresh paint and new sod. It was suggested that if the real estate men should make an energetic effort much could be accomplished in this respect. The speakers urged that owners who lived in town were keeping their property up in excellent condition, but many of the buildings owned by nonresidents were much in need of repainting and fixing up the yards. It was suggested that each member of the exchange should write to his eastern clients and recommend the necessary improvements, stating the additional desirable features that the property would acquire by the expenditure of a very small amount. It was thought that if this plan were followed up it would bring about a noticeable degree of proficiency. There are both singers and players ranging in age from 4 to 10 years, and they will present a program and will interest as well as amuse all those who attend.

W. Y. G. A. Notes. Next Monday evening a stereopticon entertainment will be given. Views of Lake Geneva, Wis., the resort where the Young Women's Christian association conference will be held this summer, will be exhibited. This evening a number of musical prodigies about town will give a concert for the benefit of the Junior Military band. The youngsters have reached the degree of proficiency. There are both singers and players ranging in age from 4 to 10 years, and they will present a program and will interest as well as amuse all those who attend.

DON'T NEGLECT A COMMON CASE OF PILES. It May Lead to Serious Results. When people generally understand that all such fatal diseases as fistula, ulcer of the rectum, fissure, etc., almost invariably begin in a simple case of Piles, they will learn the value of taking prompt treatment for the first appearance of troubles in this quarter. The Pyramid Pile Cure will certainly cure every form of piles, itching, bleeding, protruding or internal, and hundreds of lives have been saved by using this cheap but effective remedy right at the start, because at such a time a single package will affect a cure, while in the old chronic, deep-seated cases, several packages are sometimes necessary before a lasting cure is effected.

Physicians are using the Pyramid Pile Cure in preference to surgical operations and with uniform success. The remedy is prepared by the Pyramid Drug Co. of Albion, Mich., and for sale by druggists everywhere at 50 cents and \$1.00 per package. Send for Free book on cause and cure of piles.

NEW TIME. Chicago, Milwaukee & St. Paul Ry. No. 4, leave Omaha 6:30 p. m.; arrives Chicago 9:25 a. m. No. 2, leave Omaha 11 a. m.; arrives Chicago 7:15 a. m. No. 1, leave Chicago 6 p. m.; arrives Omaha 8:05 a. m. No. 3, leave Chicago 10:25 p. m.; arrives Omaha 9:25 p. m. The "MILWAUKEE" City Office, 1504 Farnam Street.

From 10 to 1,000 feet down, gold is found in abundance; the deeper you go the richer the ore. These are facts concerning Mercur, Utah. The Union Pacific is the only rail line to Mercur. For Mercur leaflet giving full particulars call at City Ticket Office, 1302 Farnam street.

Awarded Highest Honors—World's Fair. DR. J. C. IFF'S CREAM BAKING POWDER MOST PERFECT MADE. A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. 40 Years the Standard.

MAXFIELD SEEMED TO UNDERSTAND

Signals Which Induced Him to Leave His Room. The Lingafelt divorce case is still occupying the boards in Judge Keyser's court. The defense is presenting its evidence and witnesses were called yesterday morning to show that Mrs. Lingafelt and Fred Maxfield, the co-respondent in the case, had a code of signals by which she would inform him when the coast was clear and that he would then join her in her home.

Mr. Bauserman, who keeps a tea store at the northwest corner of Twenty-fourth and Hamilton streets, testified that Maxfield frequented his home and that he frequently had watched him and had often seen a window shade in Lingafelt's house being shaken in a peculiar manner when he knew Lingafelt was away from home, and Maxfield always went out immediately afterward. He had also heard a whistle given as a signal from Lingafelt's yard at night and Maxfield would go out soon afterward. On one occasion the witness said he followed Maxfield and saw him go toward the corner of Twenty-fourth and Hamilton streets and disappear suddenly when in the vicinity of Lingafelt's house, but he could not say positively just where he went.

SETTLED IT OUT OF THE COURTS. Coffmans Agree Upon When They Shall Visit Their Children. Judge Coffman is hearing the case of George W. Doane and Henry W. Yates against the city of Omaha to restrain the collection of taxes for the construction of a permanent sidewalk at the southwest corner of Eighteenth street and Capitol avenue. The suit was brought on the ground that no new sidewalk was necessary at that point in that the walk in controversy was laid, and that the owners had no legal notice that a walk was to be laid.

Dr. Gregory and Elizabeth Gregory recovered a judgment against the Omaha Fire Insurance company yesterday morning, amounting to \$480.

RECV. LEO M. FRANKLIN CONFIRMS A. The inclement weather had no apparent effect upon the attendance at the confirmation services held in Temple Israel yesterday morning, a large congregation taxing the capacity of that edifice. A class of six, three girls and three boys, received confirmation in the order of confirmation by Rev. Dr. Franklin, after whom the young girls were named. The confirmation exercises were attended in pure white and the boys in black suits with white ties. Each carried a large bunch of flowers, palms, roses, carnations and geraniums, as profuse as they were beautiful. An elaborate program was rendered, an orchestra supplementing the work of the choir and organ.

The confirmation exercises were preceded by the regular services for the Feast of Weeks. Immediately on the conclusion of the regular services the trustees of the congregation, headed by President S. K. Kautz, Vice President M. Morris, marched slowly up the aisle. They were followed by Rev. Dr. Franklin, after whom the young girls were named. The young girls were attired in pure white and the boys in black suits with white ties. Each carried a large bunch of flowers, palms, roses, carnations and geraniums, as profuse as they were beautiful. An elaborate program was rendered, an orchestra supplementing the work of the choir and organ.

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Gladness Comes

With a better understanding of the transient nature of the many physical ills, which vanish before proper efforts—gentle efforts—pleasant efforts—rightly directed. There is comfort in the knowledge, that so many forms of sickness are not due to any actual disease, but simply to a constipated condition of the system, which the pleasant family laxative, Syrup of Figs, promptly removes. That is why it is the only remedy with millions of families, and is everywhere esteemed so highly by all who value good health. Its beneficial effects are due to the fact, that it is the one remedy which promotes internal cleanliness without debilitating the organs on which it acts. It is therefore all important, in order to get its beneficial effects, to note when you purchase, that you have the genuine article, which is manufactured by the California Fig Syrup Co. only and sold by all reputable druggists.

If in the enjoyment of good health, and the system is regular, laxative or other remedies are then not needed. If afflicted with any actual disease, one may be commended to the most skillful physician, but if in need of a laxative, one should have the best, and with the well-informed everywhere, Syrup of Figs stands highest and is most largely used and gives most general satisfaction.

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The confirmation exercises were preceded by the regular services for the Feast of Weeks. Immediately on the conclusion of the regular services the trustees of the congregation, headed by President S. K. Kautz, Vice President M. Morris, marched slowly up the aisle. They were followed by Rev. Dr. Franklin, after whom the young girls were named. The young girls were attired in pure white and the boys in black suits with white ties. Each carried a large bunch of flowers, palms, roses, carnations and geraniums, as profuse as they were beautiful. An elaborate program was rendered, an orchestra supplementing the work of the choir and organ.

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